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## ACHIEVING THE RIGHT TO STRIKE: ONTARIO TEACHERS' UNIONS AND PROFESSIONALIST IDEOLOGY

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Prior to 1975 and the passage of the *School Boards and Teachers Collective Negotiations Act* (Bill 100) teachers' unions in Ontario did not have the right to legally strike. From 1918 until 1975 teachers had employed moral suasion or occasionally mid-year resignations to convince boards of education to move towards the teachers' position at the bargaining table. Historically these conditions resulted in teachers' unions in Ontario being decidedly non-militant and seldom invoking job action of any sort. Teachers' unions had shied away from aligning themselves with other unionized workers and had refrained from employing an ideology of labour solidarity to bring their members to the picket line. The sudden growth in teachers' union strength during the late 1960s and early 1970s resulted in the William Davis Conservative government attempting to contain teachers' militancy. In response union leaders turned to an ideology of professionalism to mobilize their membership and won the right to strike.

This paper will review the historical development of professionalism as a contested construct in the public education project and briefly explain how it was employed to achieve the right to strike for Ontario's public school teachers in 1973. Although all six teachers' unions are included in the study, the more particular standpoint is from the elementary teachers' unions, the Federation of Women Teachers' Associations of Ontario and the Ontario Public School Men Teachers' Federation, as it is from their archives that the research was gathered.

The Australian writer Andrew Spaul identifies three factors that determine teacher union development: "changes in the work situation of teachers, the role of union leadership, and a favourable socio-political climate for growth" (Spaul, 1993:87). He contends that the presence of these three variables and the strength of each can be used to explain the growth and strength of teacher unions. Spaul's "labour theory of teacher union growth" cuts across the grain of approaches to teachers' work lives which concern themselves with the tensions of professionalism, unionism, public service and professional autonomy. Spaul is particularly cognizant of contradictions in ideological battles. As he

points out, "[t]he use of professionalism as a strategic ideology,... has a number of ramifications with respect to the construction of issues and the relationship between teachers and other sectional interest groups" (Spaull, 1986:22).

Other writers have also approached teachers' professionalism as a tactic. The British writers, Ozga and Lawn, nest the discourse of professionalism within the framework of what they refer to as "organized teacher activity" (Ozga and Lawn 1981: v). They contend that the National Union of Teachers (NUT) was formed as a response to the contradictory position of teachers in Great Britain as both waged workers and professionals. Ozga and Lawn characterize professionalist ideology as one of a variety of strategies that teachers and their unions have used to further their goals in dealing with obstinate employers. In Canada, Rennie Warburton further develops Ozga and Lawn by suggesting that it is more productive to focus on "...the actual process, working conditions and, most importantly, class struggle, in which particular groups of workers are involved" and that discourses of professionalism "must not be seen as a fixed concept for labelling teachers and distinguishing them from other non-professional groups, but as a dynamic element in their situation which both they and the state exploit as part of [a] dialectic of control and resistance" (Warburton, 1986:213). Warburton's comments reveal the contested nature of professionalism as it is employed by both teachers and their employer. In the U.S. Wayne Urban's work takes a similar approach (Urban 1982, 2001, 2002). He analyses the shifting nature of discourses in American teacher unionism, including how gender and race were incorporated into notions of teacher professionalism.

The ideology of teacher professionalism in Ontario (then Canada West) was developed in the earliest days of the public education project as a means of screening who would be permitted to enter teaching and as an element in the technologies (in the Foucaultian sense) used to discipline teachers to the requirements of early industrial capitalism. As the first Superintendent of Education in what was to become Ontario, Edgerton Ryerson designed the public education system with the intent of centralized, top-down governance, and homogeneous pedagogy. Education was intended to be both an instrument of capitalist accumulation and a mechanism for the construction of appropriately British citizens. Normal schools for the uniform training and certification of teachers were established by the School Act of 1846. From their earliest inception the stated intention of these training facilities was to professionalize teaching with the purpose of attracting married men of British background to lucrative careers in the classrooms of the country. Ryerson predicted that with professionalization salaries would increase and in turn attract a higher calibre of teacher.

Ryerson neglected to take into account the funding model. Control of education rested in the central bureaucracy of the state while funding was raised

from local ratepayers by an elected school board. Limits on salaries were set by the generosity, or lack thereof, of local school board trustees who were required to fund education through the levying of local taxes. The results in many cases were poorly constructed school buildings and underpaid teachers. In mid-nineteenth century Ontario it was not unusual for a rural teacher to have a class in excess of 75 students at varying grades and ages in a low-ceilinged one-room schoolhouse (Prentice, 1977:149). Similar class sizes were seen in urban classrooms as cities coped with the arrival of huge numbers of immigrants. Frugal trustees turned to hiring women as teachers and paid far less than they would have been obligated to pay men teachers.

Social constructs of women's 'natural' maternalism, the entry of young women into the industrial workforce, and the desire of trustees for cheap labour created a space for unmarried women in teaching. Women took advantage of the opportunity for white-collar work in a labour market that severely limited their choices (Murphey, 1990; Cohen, 1988). The professional status attached to teaching was important to women because other fields were closed to them.

Teachers' training was accomplished within a discourse of professionalism that disciplined teachers to a particular English-bourgeois morality even as they practised the technocratic methods of inculcating those same values and behaviours in their students regardless of class and ethnicity. At the same time, dimensions of patriarchy and class colluded to enforce a specifically gendered professionalism that disadvantaged women as education workers. University training, a privilege generally restricted to men, was rewarded with higher salaries and opportunities. The disparity between secondary and elementary salaries further fetishized formal qualifications to men's advantage. At all levels men occupied the higher-paid positions that generally excluded women, men were superintendents and principals, and a greater percentage of men than women were secondary teachers.

The assumptions in the construction of the family wage worked against women who were self-supporting, a circumstance that included women teachers. Women teachers were expected to resign when they married, but men teachers were not. Lower material circumstances for women were enforced by a social consensus regarding a male-breadwinner family wage. Assumptions were that a man needed a higher rate of pay to support a family, or the future possibility of a family, while a single woman's requirements were to support herself since she would be expected to resign her position upon marriage. Women had to be self-supporting to be permitted to teach, but were punished for being self-supporting once they started working. The result in the lower grades was a large workforce consisting generally of low-paid women teachers, overseen by an administration that was almost all male and far better paid.

By the early twentieth century the enforced standardization of pedagogy by means of professional training and upgrading at teachers' own expense was a

constant feature of teachers' lives in the public education system in Ontario. In addition to prerequisite attendance at a Normal School, teachers were required to attend Teachers' Institute conferences twice a year. Although control of the training facilities ensured a uniform pedagogical approach, at the same time it generated opportunities for teachers to gather together as workers with common cause. Teachers' professionalism developed into a highly contested construct. The professionalism that had been instituted by the state to situate teachers in the middle class to distance them from the working-class parents of their students and from militant collectivism was used by teachers to seek collective entitlement to middle-class privilege. Local teachers' associations, loosely connected to the Teachers' Institutes, and separated by gender at the elementary school level, developed across the province as a voice for teachers' concerns.

In the aftermath of World War I and the depression that followed, unionism and support for socialist politics gathered momentum. By this time, the big battles for teacher unionism had been fought and won in Great Britain and in the U.S. Women had been in the forefront of many of the American campaigns and would be in the forefront in Ontario. Women elementary teachers formed the first union to appear on the Ontario education landscape.

In the summer of 1918 a group of women teachers met to unify their local woman teachers' associations into the Federation of Women Teachers' Associations of Ontario (FWTAO) to represent women elementary teachers. FWTAO was the first of six teacher unions that would emerge to represent the interests of teachers in Ontario. The Ontario Secondary School Teachers' Federation (OSSTF) representing both men and women in the secondary panel organized the following year. The Ontario Public School Men Teachers' Federation (OPSMTF), an organization of male elementary teachers, followed in 1921. Although the men had sought membership with the women of FWTAO, the women felt their particular needs could be best addressed in an organization of women and so they refused the men as members.

For Ontario's elementary teachers, the first fights were for pensions, job tenure and decent wages. Organizing efforts were difficult because of the number of small schools operated by almost as many small school boards, a situation that would not change to any great extent until after World War II. As late as 1948, nearly three-quarters of Ontario's elementary schools consisted of one room (Gidney, 1999:11).

The end of World War II put the finishing touches on the form teacher unions were to take in Ontario. *The Education Act* of 1944 established the Ontario Teachers' Federation (OTF) as the representative of teachers when dealing with the state, institutionalizing five affiliated teacher unions. L'Association des enseignants franco-ontariens (AEFO) had organized in 1939 for teachers in the French system and the Ontario English Catholic Teachers' Association (OECTA) was incorporated in 1944 in response to *The Education Act*. Schools for aboriginal

children on reserves fell under federal jurisdiction and private schools were exempt from provincial regulations leaving those schools unorganized. (Thirty-one years later the *Provincial Schools Negotiations Act, 1975*, would follow on the heels of Bill 100 resulted in teachers in schools for the deaf, for the blind, and for other learning exceptionalities organizing under the Federation of Provincial Schools Authority Teachers (FOPSAT). In 1998 FOPSAT members would vote to join OSSTF after Mike Harris's Bill 160 placed them under the *Ontario Labour Relations Act*.)

Professionalism continued to operate as a social mechanism to control teachers in their classrooms, but by 1944 it had been appropriated by teacher unions as a means of achieving improvements to salary and benefits through negotiations with their boards of education. The feminization of elementary teaching kept elementary salaries significantly lower than those of secondary teachers. The fetishization of academic qualifications was nearly complete and added to the hurdles facing elementary teachers. The governance of education was entirely top-down with men occupying positions of authority. Centralized control by the Ministry of Education included the approval of textbooks, provincial exams for entrance to further educational opportunities (of which only some were available to women), provincial training facilities, a system of provincial school inspectors (which would be dismantled in the 1960s), and a state bureaucracy charged with responsibility for overseeing the entirety of education.

The 1960s were a time of change for education in Ontario. The Robarts Plan released in 1961 took advantage of new federal monies to build expensive vocational schools and develop a technical stream of study. In 1968 funding was extended for French-language secondary schools and in that same year the Hall/Dennis Report was released establishing child-centred pedagogy in Ontario, an enormous change for elementary teachers. The building of new schools and the consolidation of smaller schools to accommodate the post-war baby boom culminated in the amalgamation of small school boards into county-size boards in 1969. Teachers' working conditions, the first factor in Spaul's labour theory of teacher union growth, were being radically redefined. Teachers' union strength began to grow as a response.

Although teachers' unions had been active in Ontario since 1918 they had never achieved the right to strike. By the early 1970s the use of mass, mid-year (Christmas) resignations had evolved as the strike tactic employed by the teachers' unions to circumvent the constraint that teachers were not included in the *Ontario Labour Relations Act* as workers and so could not legally strike. The legislation requirements were such that teachers could only resign at the end of the year or at Christmas. In lieu of a strike during the collective bargaining process, all the teachers in a bargaining unit would hand their resignations to their local president dated the end of December. By delivering the resignations

to the school board before Christmas the local president could initiate a mid-year strike. The use of mid-year resignations was a process that at the very least had become understood by trustees and teachers alike.

As a response to public anxiety about the possibility of large numbers of teachers striking midyear, Premier William Davis established the Reville Committee in 1970 to advise his government on board/teacher negotiations. Released in 1972, the Reville Report recommended that teachers not be allowed to strike, that settlements be through a process of compulsory arbitration that would be limited to salary and benefits and that working conditions be non-negotiable. The Reville Report was sadly behind the times. Boards and teachers had moved beyond trustees dictating to their employees. Teachers' unions were incensed by the recommendations, the opposition parties and the press ridiculed the report, and remarkably, school board trustees opposed the recommendations as they saw their authority undermined through third-party negotiations. The socio-political climate supported the teachers' position. The Reville Report was apparently dismissed, but in opposing it, teachers' unions' strength had grown. Tactics had been developed for contacting the widespread membership on short notice and a public response to government action had been prepared. The unions had focused on the threat to the civil rights of teachers and the unfairness of restricting teachers' negotiations beyond that of other public employees (York University, Archives, FWTAO 1999-027/024 "55<sup>th</sup> Annual," 189-195).

A key socio-political condition that contributed to the growing militancy of the teachers' unions had been a lengthy period of double digit-inflation to which the government responded by capping wages in the public sector. As teachers' salaries fell behind those of other unionized workers, OSSTF reversed its historical position against strikes and in 1971 approved the use of strike action. In the summer of 1973, at their Annual Meeting, the FWTAO President Lenore Graham gave a speech in response to the Reville Committee's Report in which she called on her members to support the right to strike. Immediately following, and with a minimum of debate, the assembly passed a resolution supporting the right of teachers to strike (York University, Archives, FWTAO 1999-027/024, 1973:189-198) Later in the same week OPSMTF President Ron Poste put aside the reservations of many of his executive and successfully moved a recommendation that favoured strikes (OPSTF files 1973, G-8).

In 1972 the secondary teachers of OSSTF, the Catholic elementary and secondary teachers of AEFO, had used midyear mass resignations in ten jurisdictions. The following year, 1973, the OSSTF, the OECTA and the AEFO used midyear mass resignations to strike in 17 of the approximately 200 school boards. The spectre of large numbers of teachers across the province involved in a variety of strike actions aroused concern among both Liberal and Conservative politicians. The unions had been expecting some legislation to be presented in mid-year of 1973 (York University, Archives, FWTAO 1999-027/183, 16-19).

Whether the government believed that teachers' unions could not mobilize their membership close to Christmas or whether public pressure had built as mid-year resignations of teachers from the few boards who were involved in negotiations was being felt in the Conservative caucus, the government waited until just before the Christmas vacation and the end of the legislative session.

On 10 December 1973 Conservative Education Minister Tom Wells unilaterally brought discussions with teachers' unions on the subject of alternatives to the Reville Report to a close and introduced two bills in the legislature. Bill 274 nullified the midyear resignations of any striking teachers. Bill 275 required teachers to submit to compulsory arbitration, conclusively closing the door on potential strikes of any form. By instituting the recommendations of the Reville Report the Davis government opened itself up to accusations of government control from all quarters.

The teachers' unions turned to professionalist ideology as their tool of choice to build resistance and to mobilize their members. In an open letter to the Legislature, G.P. Wilkinson, the OTF President, stressed teachers' record of peaceful negotiations and willingness to be in compliance with the law (York University, Archives, FWTAO 1999-027/348). In like terms, the FWTAO "Memo to Key Teachers" and the women's union's press release pointed out that "the strike weapon" might never be used. The press release stressed that teachers would behave responsibly during the walk-out (York University, Archives, FWTAO 1999-027/348). Wilkinson's address at Maple Leaf Gardens rally on 18 December 1973 commended teachers for protecting democratic freedoms and included assurances that teachers, as good citizens, would act in moderation as a demonstration of their sense of civic loyalty and their responsibility to their students (York University, Archives, FWTAO 1999-027/348). FWTAO President Mary Hesser was quoted in the *Globe and Mail* as stating that the women teachers would be joining the walkout only if the parents of primary children could be notified in time (Adams, 1973). The teachers' unions developed a professionalist discourse of citizenship and responsibility that characterized labour rights as civil and human rights rather than turning to labour-movement solidarity as might have been expected in a fight for the right of workers to strike. The Canadian Labour Congress President, Donald MacDonald, helped to link the right to strike with human rights by declaring Bill 274 "...a blatant denial of human rights" (Peter Mosher, 1973:1). The outrage at the government expressed by other organizations in support of teachers was embellished with references to teachers' aloofness from the common concerns of labour. Statements such as, "If the free movement of teachers in and out of employment can be restricted by legislation, no one in society is safe from arbitrary government control," made by Dr. Laurence D. Wilson, President of the Ontario Medical Association, characterized teachers as high-mindedly maintaining a professional distance from the fray of the labour world in their

position as caregivers of children (Blachar, 1973:1). Mary Hesser's article in the FWTAO Newsletter (York University, Archives, FWTAO 1999-027/348, Number 4, 2.) that followed the strike connected participating in the walkout to teaching respect for human rights.

Teachers mobilized across the province. On 18 December 1973, in an unprecedented show of union strength, Ontario's teachers walked out in a one-day strike shutting down almost all schools. Thousands of teachers rallied at Maple Leaf Gardens and then marched on Queen's Park. As a result, Bill 274 was allowed to die on the order papers and the Davis government agreed to develop a collective bargaining process through negotiations with OTF.

Although Ontario's teachers had participated in a province-wide wildcat strike, there no reprisals from either their employing boards or the state. At the following year's annual general meetings, delegates' budget deliberations turned to establishing a war chest to protect what they had won. The Ministry, the teachers' unions, and the trustees returned to the bargaining table for the next two years to negotiate the terms of the *School Boards and Teachers Collective Negotiations Act*, Bill 100 which would come into effect in 1975. Bill 100 would give teachers the right to strike and the right to include working conditions in their collective agreements.

Andrew Spaul emphasizes the importance of the role of union leadership in developing union strength. The struggles that led to the passage of Bill 100 were achieved as a result of pressure brought to bear by the mobilizing efforts of teachers' union leaders. They were able to open a place for themselves at the policy table of the Conservative government despite the resistance of the Davis Conservatives to teachers' striking. Teachers used the most militant form of strike, the wildcat strike, to demonstrate their collective power. Executive Secretary Florence Henderson realized this link between union strength and political power, subsequent to the passage of Bill 100, in her speech at the 1975 FWTAO Annual Meeting when she explained to the assembly, "How are we going to enter into this negotiation process?, and How [sic] are we going to enter a field that is based on the use of power? why the 'sic'?" You need to have real power! We need to have judgement that will allow you to use that power judiciously!" (York University, Archives, FWTAO 1999-027/030, 101).

The power that coalesced within the teachers' unions was demonstrated in large part by their relationship with the state. As public employees they needed to have access to state actors to participate in policy decisions that affected them. When the Davis government presented Bill 274 and Bill 275 to the legislature, they closed the door on future discussions with the unions by ensuring that the power to dictate to teachers lay in the hands of the government of the day. That decision by the premier and his cabinet ignored 15 months of negotiations and denied the unions access to the decision-making process. While Minister of Education Tom Wells had been moving forward with a negotiated

process, political expediency persuaded the Davis government to make a public display of containing teachers' union militancy. Ironically, the measure of the success of the December 18 strike was that immediately afterwards the premier and the minister of education walked back into the room with the teachers' union leadership to re-establish negotiations regarding legislation and policy. Collective action by Ontario's 100,000 teachers had forced the political elites of the day back to the negotiating table with the end result that teachers achieved legislated mechanisms that allowed for increasing democratization of their workplace.

The *School Boards and Teachers Collective Negotiations Act* (Bill 100) became law in July 1975. Before Bill 100 teachers' collective agreements were limited to a very few pages consisting of a preamble, a salary scale, and a listing of benefits. By permitting teachers to negotiate their working conditions, teachers' demands were pitted against long-standing understandings of management rights to control of the terms of employment. After Bill 100, teachers had the right to name and enforce a variety of demands and no longer had to rely on moral suasion to convince recalcitrant boards of education of the rightness of their position. Substantive collective agreement language and formal grievances became commonplace.

Three months after Bill 100 was enacted, Prime Minister Pierre Trudeau announced wage and price controls, the opening salvo of neo-liberalism in Canada. The deal brokered with Premier Bill Davis was not to be of much immediate benefit to teachers in terms of their salaries, but winning the right to use strike sanctions radically altered the relationship between teachers and their employers.

Andrew Spaul's labour theory of teacher union growth suggests that teacher union strength does not arise from a sense of class consciousness with its concomitant drive for worker solidarity as seen in many other unions. In its earliest development Ontario's public education project included an ideology of professionalism which was pressed upon teachers by the state as a disciplining mechanism. Teachers, limited in strength by their position in numerous small work sites and by the social constraints placed upon a largely feminized workforce, appropriated aspects of professionalism as a means of accessing control over working conditions and improving their salaries and benefits. However their reliance on a professionalist ideology left teachers' unions dependent upon, and vulnerable to, external socio-political conditions when mobilizing their membership. The result was a weak militancy within teachers' unions, a vulnerability the union leadership were able to overcome by employing a professionalist ideology to mobilize their members during the fight for the right to strike.

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